THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.27824 of 2005

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Dated:30.12.2005

Between:

Society of Catechist Sisters of St.Anns, Tarnaka, Rep by Head Mistress, Sr.B.Fathima,

R/o.Nirmala Hrudaya School, Nizamabad.

..... PETITIONER

AND

The Collector, Nizamabad, Nizamabad District, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.27824 of 2005

ORDER:

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The Society of Catechist Sisters of St.Anns, Tarnaka, is aggrieved by the action of respondent Nos.1 to 4 in not stopping the laying of road in its land as illegal. The petitioner purchased land admeasuring Acs.3.19 guntas in Survey Nos.463/1, 2, 3, 464/1, 2, 465, 501, 502 and 505 situated at Perkit Village, Armoor Mandal, Nizamabad District. The Society got the land mutated in its name and started

constructing a School. The fifth respondent herein, who happens to be adjacent neighbour, started construction of a house and allegedly in collusion with the Gram Panchayat came to the premises and removed the fence threatening to leave 33 feet wide road. The petitioner, therefore, filed a suit, being O.S.No.156 of 2005 on the file of the Court of the Senior Civil Judge, Nizamabad, and obtained interim injunction against the fifth respondent and submitted a representation to the District Panchayat Officer, who by memo dated 07.12.2005 directed the fourth respondent to stop laying of the road and further directed to appear before him on 08.12.2005. The petitioner alleges that in spite of the said directions, the fourth respondent is going ahead with the laying of the road on 33 feet wide space of the petitioner. Therefore, it filed the present writ petition.

The learned Standing Counsel for the fourth respondent after obtaining instructions from his clients submits that as directed by the District Panchayat Officer, the fourth respondent stopped the laying of the road. The same is recorded. As the petitioner is willing to part with land up to an extent of 16.6 feet, there cannot be any objection for laying down the road, but if any excess land is required, the respondents herein cannot interfere with the possession of the petitioner except in accordance with law.

The Writ Petition, with the above observation, is disposed of. No costs.

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(V.V.S.RAO, J)

30.12.2005

Note: Issue C.C. in one week.

B/o.

vs